

IC 8-23-16

Chapter 16. Legal Defense for Employees

IC 8-23-16-1

"Member" defined

Sec. 1. As used in this chapter, "member" means all employees and appointees of the department.

As added by P.L.18-1990, SEC.225.

IC 8-23-16-2

Application of chapter

Sec. 2. Subject to IC 34-13-2, IC 34-13-3, and IC 34-13-4, this chapter applies when a member of the department is sued for civil damages and:

- (1) the department administratively determines that the civil action arose out of an act performed within the scope of the duties of the member; and
- (2) a lack of defense of the action by the state would prejudice the construction, maintenance, or administration of state highways.

As added by P.L.18-1990, SEC.225. Amended by P.L.1-1998, SEC.92.

IC 8-23-16-3

Duties of attorney general

Sec. 3. The attorney general shall:

- (1) when the department submits the finding in writing to the attorney general; and
- (2) if the attorney general finds the determination to be supported by substantial evidence;

defend the member in the action or authorize the department to hire private counsel to provide a defense.

As added by P.L.18-1990, SEC.225.

IC 8-23-16-4

Admission of administrative determinations as evidence

Sec. 4. The administrative determination by the department or the determination by the attorney general may not be admitted as evidence in the trial of a civil action for damages.

As added by P.L.18-1990, SEC.225.

IC 8-23-16-5

Right to select defense counsel; relieve from civil damages

Sec. 5. This chapter may not be construed to:

- (1) deprive a member of the right to select defense counsel at the member's own expense; or
- (2) relieve a member from responsibility in civil damages.

As added by P.L.18-1990, SEC.225.